REMARKS/ARGUMENTS

Claim Rejections – 35 USC 102

Claim 1

In sections 3 and 4 of the Office Action, the Examiner rejected Claim 1 under 35

5   USC 102 as being anticipated by US Patent No. 5,920,856 to Syeda-Mahmood, herein

referred to as the "Syeda Patent." Specifically, the Examiner stated that the Syeda Patent,

in Figure 1, discloses an apparatus for extracting metadata from electronic documents

comprising a first processing element, a second processing element, a reasoning element

and a database. The Examiner pointed to col. 7, lines 1-39 and col. 12, lines 47-55 of the

10   Syeda Patent as disclosing that said first processing element is further configured to

convert electronic documents into files. The Examiner pointed to col. 7, lines 1-39,

stating the first processing element reads on "translator module" residing with the meta

database, since it converts electronic documents from different Websites into records

stored at a central location. The Examiner also pointed to col. 7, lines 1-39 of the Syeda

15   Patent as disclosing that said first processing element is configured to provide the files to

a second processing element. The Examiner pointed to col. 7, lines 1-45 of the Syeda

Patent as disclosing that said second processing element is configured to receive files and

extract predetermined information. The Examiner pointed to col. 7, lines 1-45 of the

Syeda Patent as disclosing that said second processing element is further configured to

20   provide said extracted predetermined information to said reasoning element, wherein the

Examiner stated that the second processing element reads on "search agent" and

predetermined information reads on "metadata." The Examiner pointed to col. 7, lines

15-38 of the Syeda Patent as disclosing that said database is configured to also provide

input to said reasoning element. The Examiner pointed to col. 6, lines 1-22, and col. 7,

25   lines 14-38 of the Syeda Patent as disclosing that said reasoning element is configured to

use a set of rules to extract metadata from the files. Finally, the Examiner pointed to col.

5, lines 24-38 of the Syeda Patent as disclosing that the reasoning element provides an

output of the metadata, wherein the Examiner stated that the reasoning element reads on

refining module. The Applicants respectfully disagree with the conclusions drawn by the

30   Examiner.

In order to establish a prima facie case of anticipation, the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present,

5   or a case of anticipation is not met. Thus, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983).

First, the Examiner pointed to Figure 1 of the Syeda Patent as disclosing that an apparatus comprising of a first processing element, a second processing element, a

10   reasoning element and a database. The Applicants submit that Figure 1 comprises websites, a web-server and web-clients. It is unclear to the Applicants how the Examiner interpreted the elements of Figure 1 to read on the first processing element, the second processing element and the reasoning element. Further, the Examiner indicated that the first processing element reads on the translator module of the Syeda Patent residing in the

15   meta-database. The Applicants note that the translator module is not shown in Figure 1 of the Syeda Patent. Therefore, the Applicants assert that the elements in Figure 1 of the Syeda Patent do not teach, disclose, or suggest the first processing element, the second processing element, and a reasoning element as is claimed in Claim 1.

The Examiner pointed to col. 7, lines 1-39 and col. 12, lines 47-55 of the Syeda

20   Patent as disclosing that said first processing element is further configured to convert electronic documents into files. The Examiner pointed to col. 7, lines 1-39, stating the first processing element reads on "translator module" residing with the meta database since it converts electronic documents from different Websites into records stored at a central location. The Applicants respectfully disagree with the characterization of the

25   translator module by the Examiner.

The Syeda Patent, at col. 7, lines 15-17, states "the user query may have to be transformed by a translator module 16 into forms the respective databases expect." The Applicants understand this sentence of the Syeda Patent to explain that just as a translator from English to Spanish will convert a question given in English to a question recited in

30   Spanish, the translator module will take a query preformed in a language that a user can understand and translate this to a language that the database can understand. The

Applicants submit that this is not the same thing as converting electronic documents from different websites into records stored at a central location, as asserted by the Examiner. Further, the Applicants are unclear how the Examiner is interpreting this translation to read on "converting electronic documents into files" as is claimed by Claim1. The

5   Applicants respectfully request that if the Examiner holds that the translator anticipates this element of the claim, the Examiner further explain how the Syeda Patent is being interpreted.

The Examiner pointed to col. 7, lines 1-39 of the Syeda Patent as disclosing that said first processing element is configured to provide the files to a second processing

10   element.   The Examiner stated that the first processing element reads on the translator module and the second processing element reads on the search agent. Thus, following the interpretation by the Examiner, the Syeda Patent teaches that the translator module is configured to provide the files to a search agent. As previously stated, col. 7, lines 15-17 of the Syeda Patent state that "the user query may have to be transformed by a translator

15   module 16 into forms the respective databases expect." Further, col. 7, lines 20-23 state "The answers returned from the databases together with the query data patterns are relayed to the refining module by the search agent." The Applicants do not see anywhere in any of the figures of the Syeda Patent there is any indication that the translator module provides any files to the search agent. Further, the Applicants are unaware where in the

20   Syeda patent this concept is taught, disclosed or suggested. Thus, the Applicants submit that the Syeda patent does not teach, disclose or suggest "said first processing element is configured to provide the files to a second processing element" as is claimed by Claim 1.

The Examiner pointed to col. 7, lines 1-45 of the Syeda Patent as disclosing that said second processing element is configured to receive files and extract predetermined

25   information. Further, the Examiner stated that the second processing element reads on "search agent" and predetermined information reads on "metadata." The Applicants are only aware of two times the term "search agent" is found in col. 7, lines 1-45 of the Syeda Patent. First, is in line 6, where stating starting at line 4, is stated "If the initial site selection does not offer a sufficient pruning of the database sites, the search agent 11 can

30   further prune these sites based on user feedback before distributing to relevant database sites." The second time is as quoted above and given in lines 20-23 of the Syeda Patent,

wherein it states "The answers returned from the databases together with the query data patterns are relayed to the refining module by the search agent." Further, col. 4, lines 41-44 of the Syeda Patent states "a search agent that retrieves target database sites by indexing into the meta-database (involves mapping a user query to a meta-database

5   index)." The Applicants submit that the search agent of the Syeda Patent does not "receive files and extract predetermined information" as is claimed in Claim 1. Thus, the Applicants submit that the Syeda Patent does not teach, disclose or suggest "said second processing element is configured to receive files and extract predetermined information" as is claimed in Claim 1.

10   The Examiner pointed to col. 7, lines 1-45 of the Syeda Patent as disclosing that said second processing element is further configured to provide said extracted predetermined information to said reasoning element." Col. 5, lines 28-38 of the Syeda Patent describes the architecture of the Syeda Patent system, "the web meta-server for database site selection consists of three main modules: (1) a meta-database 4 generated

15   from database sites 8, (2) a search agent 5 that uses information in a user query 6 to derive a set of target multimedia database sites by indexing into the meta-database 4, and (3) a refining module 7 (also referred to as a training or learning module) that associates patterns of responses from the databases to queries to learn the relevance of database sites 8 for similar future queries." According to the Examiner's interpretation, the reasoning

20   element reads on the refining module, the second processing element reads on the search agent, and predetermined information reads on metadata. Thus, according to the Examiner the Syeda Patent teaches the search agent provides metadata to the refining module. The Applicants do not believe that this is what the Syeda Patent teaches. Instead, the Applicants submit that the Syeda Patent in col. 6, lines 33-35, teaches "[the

25   search agent 5] relays the query data patterns and the database responses to the refining module 7 for site and scope relevancy updation." Further, the Applicants submit that query patterns and database responses do not read on the "predetermined information" claimed in Claim 1. Therefore, the Applicants submit that the Syeda Patent does not teach, disclose or suggest "said second processing element is further configured to

30   provide said extracted predetermined information to said reasoning element." If the Examiner disagrees with the submission of the teachings of the Syeda Patent, the

Applicants respectfully request that the Examiner further clarify how the Examiner is interpreting the Syeda Patent to read on all of the elements of Claim 1.

The Examiner pointed to col. 6, lines 1-22, and col. 7, lines 14-38 of the Syeda Patent as disclosing that said reasoning element is configured to use a set of rules to

5 extract metadata from the files. As previously stated, the Examiner indicated that the reasoning element reads on the refining module. Therefore, the Examiner set forth that the Syeda Patent teaches that the refining module is configured to use a set of rules to extract metadata from files. The Applicants respectfully disagree with this conclusion. Instead, col. 6, lines 17-22 states "A record of responses returned and the associated

10 queries are used by the refining module to periodically cluster the query data patterns into salient groups based on content similarity, and to update the possible relevance of databases." Therefore, the Applicants submit that the refining module does not extract metadata from files. Instead the refining module clusters the query data patterns into groups and updates relevancy of databases. Therefore, the Applicants submit that the

15 Syeda Patent does not teach, disclose or suggest that "said reasoning element is configured to use a set of rules to extract metadata from the files."

Therefore, for all of the reasons given above, the Applicants submit that Claim 1 is patentable over the cited prior art.

20 **Claims 2-8**

Claims 2-8 are dependent upon Claim 1. For the reasons given above, the Applicants submit Claim 1 is patentable over the cited prior art. Therefore, the Applicants submit that Claims 2-8 are also patentable over the cited prior art at least through their dependency on an allowable base claim.

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Claims 9-16

Claim 9 is similar to Claim 1. Thus, the same arguments presented above in support of Claim 1 may also be applied to Claim 9. Therefore, the Applicants submit that Claim 9 is also patentable over the cited prior art.

30 Claims 10-16 are dependent upon Claim 9. As previously mentioned, the Applicants submit that Claim 9 is patentable over the cited prior art. Therefore, the Applicants

submit that Claims 10-16 are also patentable over the cited prior art at least through their dependency upon an allowable base claim.

Concluding Remarks:

5   In view of the foregoing, it is respectfully submitted that all now pending Claims 1-16 are in allowable condition. Reconsideration is respectfully requested. Accordingly, early allowance and issuance of this application is respectfully requested. Should the Examiner have any questions regarding this response or need any additional information, please contact the undersigned at (310) 589-8158.

10   The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed

15   and the petition fee due in connection therewith may be charged to deposit account no. 50-2691.

Respectfully submitted,

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25   Date

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